

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CATHERINE MCKOY, MARKUS FRAZIER, and
LYNN CHADWICK, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

THE TRUMP CORPORATION and DONALD J.
TRUMP, in his personal capacity,

Defendants.

No. 18-cv-09936 (LGS) (SLC)

DECLARATION OF CHRISTOPHER R. LE CONEY
IN SUPPORT OF PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

I, Christopher R. Le Coney, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member in good standing of the Bar of the State of New York and am admitted to practice before this Court. I am associated with the firm Kaplan Hecker & Fink LLP, counsel for Plaintiffs Catherine McKoy, Markus Frazier, and Lynn Chadwick ("Plaintiffs") and the putative classes. I respectfully submit this declaration in support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a document produced in this litigation bearing Bates numbers TTO_004386 - TTO_004387, which reflects an email chain including Rhona Graff, Cathy Glosser, and Anne Archer Butcher, dated January 24 - 25, 2008, and a true and correct copy of a document produced in this litigation bearing Bates numbers ACN001078-ACN001079, which reflects an email chain including Maryann Klustner, Amanda Miller, Rhona Graff, David Merriman, Phil O'Grady, and Anne Archer Butcher, dated March 26 - 27, 2014.

3. Attached hereto as **Exhibit 2** is a true and correct copy of a document bearing Bates numbers TTO_008578, which reflects an email chain including Stuart Watson, Rhona Graff, and

Anne Archer Butcher, dated September 8, 2010.

4. Attached hereto as **Exhibit 3** is a true and correct copy of a document produced in this litigation bearing Bates numbers AAB00002895-AAB00002897, which reflects an email chain including Anne Archer Butcher, Katie Mapel, and Sheila Marcello, dated October 26, 2010.

5. Attached hereto as **Exhibit 4** is a true and correct copy of a document produced in this litigation bearing Bates numbers TTO_001113-TTO_001115, which reflects an email chain including Jonathan Allen, Hope Hicks, and Rhona Graff, dated February 19 - March 7, 2016.

6. Attached hereto as **Exhibit 5** is a printout of a chart produced in Excel format by ACN in this litigation bearing Bates number ACN004197, reflecting “[REDACTED]” and true and correct copy of a chart produced by ACN in this litigation bearing Bates number ACN000686 reflecting payments made by ACN to Donald J. Trump.

7. Attached hereto as **Exhibit 6** is a true and correct copy of a document produced in this litigation bearing Bates numbers TTO_007616-TTO_007627, reflecting excerpts of the August/September 2008 issue of SUCCESS magazine.

8. Attached hereto as **Exhibit 7**, is a set of true and correct copies of excerpts from the deposition transcripts of ACN’s Rule 30(b)(6) designee David Merriman, ACN’s outside marketing consultant, Anne Archer Butcher, and ACN co-founder and chairman Robert Stevanovski.

9. Attached hereto as **Exhibit 8**, is a set of true and correct copies of excerpts from the deposition transcripts of Donald J. Trump, The Trump Corporation’s 30(b)(6) designee Eric Trump, and Ivanka Trump.

10. Attached hereto as **Exhibit 9**, is a set of true and correct copies of excerpts from the deposition transcripts of former Trump employees Rhona Graff, Amanda Miller, Meredith McIver, and Cathy Glosser.

11. Attached hereto as **Exhibit 10**, is a set of true and correct copies of excerpts from the deposition transcripts of Plaintiffs Cathy McKoy, Lynn Chadwick, and Markus Frazier.

12. Attached hereto as **Exhibit 11**, are true and correct copies of excerpts of the expert reports of Dr. Kevin Keller, Dr. Stacie Bosley, and Mr. Michael Gartenberg, and excerpts from the deposition transcripts of Dr. Joseph Hair and Mr. Mark Crandon.

13. Attached hereto as **Exhibit 12** is a true and correct copy of an excerpt of a document produced in this litigation bearing Bates numbers ACN023052-ACN023087, reflecting an ACN Welcome Booklet issued to IBOs.

14. Attached hereto as **Exhibit 13** is a true and correct copy of a document produced in this litigation bearing Bates numbers ACN002812 - ACN002813, reflecting an email chain including Anne Archer Butcher, Katie Mapel, and Sheila Marcello, dated May 2 - 4, 2012.

15. Attached hereto as **Exhibit 14** is a true and correct copy of documents produced in this litigation bearing Bates number ACN015382 and ACN021232, which reflect ACN emails to IBOs dated October 31, 2006 and March 12, 2008.

16. Attached hereto as **Exhibit 15**, is a slipsheet for a true and correct copy of a video provided to chambers electronically and in hardcopy that was produced in this litigation bearing Bates number JMB00003824.094_1104_L10JA, and which reflects unaired footage of *The Celebrity Apprentice*.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 16, 2023
New York, New York

/s/ Christopher R. Le Coney
Christopher R. Le Coney